

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1157 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ARUNBHAI KAMJIBHAI TARAL

Versus

SAJJANBHAI KALABHAI MENAT

Appearance:

MR BP DALAL for Petitioner

MR HS MULIA for MR RC JANI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/02/2000

ORAL JUDGEMENT

#. Having heard the learned counsel for the parties, I am satisfied that the court below has committed a serious material irregularity in exercise of its jurisdiction in de-exhibiting the document - promissory note. It is not

in dispute that this document was exhibited in evidence of the plaintiff without any objection from the side of defendant. Once the document is exhibited without objection from the other side, it cannot be said that it will cause any prejudice to the other side. In case this order of the learned trial court is allowed to stand, it will certainly occasion failure of justice as a document which is legally exhibited has been de-exhibited on the application of the defendant.

#. So far as the other part of the order is concerned, the learned counsel for the petitioner states that the question of admission of document in evidence may be decided by the court below in accordance with law. It is made clear accordingly.

#. As a result of aforesaid discussion this civil revision application succeeds and the order of the learned trial court to the extent it relates to de-exhibiting the promissory note, is quashed and set aside. Rule is made absolute accordingly with no order as to costs.

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(sunil)